

REMARKS

Claims 11-21 were withdrawn from consideration as being drawn to a non-elected invention. These claims and claims 8-10 have been canceled herein without prejudice or disclaimer reserving the right to file a divisional application or take other steps to preserve the novelty of the invention.

Enclosed herewith are copies of all of the references which were not initialed on the PTO/SB/42 forms and all of the non-patent literature which was identified.

Claims 4, 7-10 were rejected under 35 U.S.C. §112 first paragraph as failing to comply with the enablement requirement.

Claim 4 has been amended herein to recite:

" ... approximately 80% of the cockroaches are killed in 45 min."

Support for this amended claim is found in Table 21. This table provides data for 1% eugenol in an isoparaffinic hydrocarbon.

Claim 7 has been amended to recite -- methyl salicylate -- in addition to the previously claimed components. Support for amended claim 7 is found on page 32, line 5 of the specification.

Claims 9-10 which recite the carrier being a dust and a mixture of clay and carbonate salts, have been canceled without prejudice or disclaimer.

The Official Action rejected claims 1-10 as being rejected under 35 U.S.C. §102(e) as being anticipated by Bessette and Enan (6,534,099 and 6,531,463). Claims 1, 2 and 3 were rejected under 35 U.S.C. §102 (b and e) as being anticipated by Bessette and Knight (6,114,384). The Official Action also noted that the rejection under §102(e) might be overcome by a showing that any invention disclosed but not claimed in the reference was derived from the inventor of the present application and, is thus, not the invention "by another".

Enclosed herewith is a Declaration Pursuant to 37 C.F.R. §1.132 signed by Steven M. Bessette. The Declaration states that Mr. Bessette is a co-inventor of the present application and of all of the cited references. He was personally involved in the studies and work described in the specification of each reference and in the present application. He further defines his contribution and the contribution of the co-inventor in the references. Regarding the claims of the present invention, some of which were disclosed, but not claimed, in the references, these were derived from the previous efforts of Mr. Bessette. Accordingly, it is submitted that claims of the present application are not the invention "by another" and lifting of the 35 U.S.C. §102(e) basis of rejection is respectfully requested.

Accordingly, allowance of claims 1-7 is respectfully requested.

It appears that all matters have been addressed satisfactorily, and that the case is now in condition for a complete allowance; and the same is respectfully urged.

However, if the Examiner has any comments or questions, or has any suggestions as per MPEP 707.07 (d) and (j), for putting the case in condition for final allowance, he is respectfully urged to contact the undersigned attorney-of-record at the telephone number below, so that an expeditious resolution may be effected and the case passed to issue promptly.

Aug 8, 2003
Date

Respectfully submitted,

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CERTIFICATE OF TRANSMITTAL

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By: Quincy Robertson